

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LARRY VINCENT FERRELL,

Plaintiff,

v.

**Civil Action 2:10-cv-1138
Judge Algenon L. Marbley
Magistrate Judge Elizabeth P. Deavers**

**SHERIFF GEORGE
LAVENDER, JR., et al.,**

Defendants.

ORDER

This matter is before the Court for consideration of the October 26, 2012 Report and Recommendation of the United States Magistrate Judge, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 20.) The Magistrate Judge recommended that the Court grant Defendants' Motion for Summary Judgment; dismiss Plaintiff's medical indifference claims without prejudice; dismiss his claims under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") for lack of standing; and decline to exercise supplemental jurisdiction over his remaining state-law malpractice claim.

The Report and Recommendation of the Magistrate Judge specifically advises parties that the failure to object to the Report and Recommendation within fourteen days of the Report results in a "waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court." (Report and Recommendation 8, ECF No. 20.) The time period for filing objections to the Report and Recommendation has expired.

Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Report and Recommendation of the Magistrate Judge. Noting that no objections have been filed and that the time for filing such objections expired, the Court **ADOPTS** the Report and Recommendation (ECF No. 20), **GRANTS** Defendants' Motion for Summary Judgment (ECF No. 17), **DISMISSES WITHOUT PREJUDICE** Plaintiff's medical indifference claims, **DISMISSES** Plaintiff's HIPAA claims for lack of standing; and **DECLINES** to exercise supplemental jurisdiction over Plaintiff's remaining state-law medical malpractice claim, **DISMISSING** this claim **WITHOUT PREJUDICE**. The Clerk is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

s/Algenon L. Marbley
ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT

DATED: November 28, 2012